

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
TUESDAY, DECEMBER 23, 2003  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

Also in attendance: Larry Dloski, Township Attorney  
Jerome R. Schmeiser, Community Planning Consultant  
James Van Tiflin, Project Manager for Spalding DeDecker &  
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the Roll Call. Trustee MEERSCHAERT absent.

**MOTION by BUCCI seconded by MALBURG to refrain from calling the name of Trustee MEERSCHAERT from all future Motions and Roll Calls, for the meeting of December 23, 2003.**

**MOTION carried.**

2. Approval of Agenda Items (with any corrections)

**MOTION by DUNN seconded by OLIVER to approve the agenda as amended.**

**MOTION carried.**

3. Approval of Bills

**MOTION by DUNN seconded by OLIVER to authorize payment of the Bills.**





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**MOTION carried.**

4. Approval of the prior meeting minutes of December 10, 2003

**MOTION by BUCCI seconded by OLIVER to approve the meeting minutes of December 10, 2003.**

**MOTION carried.**

5. Department Monthly Reports  
a.  Building Department  
b.  Fire Department  
c.  Water/Sewer Department  
d.  Parks and Recreation Department

**MOTION by MALBURG seconded by KOEHS to approve the Department Monthly Reports as a consent agenda item.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit) None.  
7. Plante and Moran Audit presentation

Mark Hurst, representative on behalf of Plante and Moran, held a detailed discussion with the Board reviewing the Township Audit.

*No action taken. Informational*

**PUBLIC HEARING:**

8. Fallbrooke Farms Subdivision; Detention Basin, Elro Corporation, Petitioner.  
Section 4.

Supervisor BRENNAN opened the public hearing at 7:16 P.M.

Supervisor BRENNAN reviewed the request.

Public Portion: Vicki Selva, a Township resident, addressed her concerns regarding the area of the Detention Basin. Supervisor BRENNAN noted that the request is limited to the lots within the Fallbrooke Farms Subdivision.

**MOTION by DUNN seconded by MALBURG to close the public hearing at 7:18 P.M.**

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**MOTION carried.**

**MOTION by DUNN seconded by MALBURG to adopt the Resolution for  
Fallbrooke Farms; Detention Basin as follows:**

**FOR THIS MOTION: DUNN, MALBURG, BUCCI, OLIVER, KOEHS,  
BRENNAN**

**OPPOSED: NONE**

**ABSENT: MEERSCHAERT**

**RESOLUTION NO. 2  
Fallbrooke Farms Subdivision**

**Minutes of a regular meeting of the Township Board of the Township of  
Macomb, County of Macomb, Michigan, held in the Township Hall in said  
Township on December 23, 2003, at 7:00 o'clock P.M., Eastern Standard Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F.  
Bucci, Jr., Charles Oliver, Janet Dunn.**

**ABSENT: Kenneth Meerschaert, Jr.**

**The following preamble and resolution were offered by Member DUNN and  
supported by Member MALBURG.**

**WHEREAS, the Macomb Township Board (the "Township") has passed a  
resolution dated November 12, 2003, establishing a Special Assessment District  
subject to a public hearing, for the purpose of maintaining and operating a  
detention basin, pump station and stormceptors, described in Exhibit "A" attached  
hereto (the "Basin"); and**

**WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 196 as  
amended, (the "Act"), proper notice having been given, a hearing was held on  
December 23, 2003, on creation and maintaining the detention basin, pump station  
and stormceptors, including but not limited to the operation and maintenance of  
pumps and appurtenances, the cutting of grass and the removal of weeds and other  
debris, by special assessment on the property benefited thereby. At such hearing,  
the establishment of the Special Assessment District and defraying the cost of  
operating and maintaining the detention basin, pump station and stormceptors, by  
special assessment was approved; and**

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**WHEREAS, the Special Assessment District consists of proposed Lots 1 through 105, Fallbrooke Farms Subdivision (the "Plat"), as described in Exhibit "B" attached hereto, and as approved by the Township Board; and**

**WHEREAS, Lots 1 through 105, inclusive, within the Plat are benefited by the detention basin, pump station and stormceptors; and**

**WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the detention basin, pump station and stormceptors, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD  
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. That the Special Assessment District created by resolution on November 12, 2003, is confirmed. The boundaries of this Special Assessment District are more particularly described in Exhibit "B" attached to this Resolution and made a part hereof.**

**2. That the authority to defray the cost of operating and maintaining the detention basin, pump station and stormceptors by special assessment on the property benefited thereby as adopted by the Township by resolution on November 12, 2003, and approved a public hearing on December 23, 2003 is confirmed.**

**3. That in the event the Township has or intends to expend funds for the maintenance and operation of said detention basin, pump station and stormceptors, the Township shall prepare a special assessment roll, determine the annual cost of the operation and maintenance of the detention basin, pump station and stormceptors, establish an annual special assessment levy, and prepare a plan to spread the assessment levy of each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the detention basin, pump station and stormceptors multiplied by a fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Special Assessment District.**

**4. That after the determination of the annual cost of the operation and maintenance of the detention basin, pump station and stormceptors, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.**

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5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect, or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: DUNN, MALBURG, BUCCI, OLIVER, KOEHS, BRENNAN.

NAYS: NONE.

ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED.

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Michael D. Koehs  
Macomb Township Clerk

**MOTION carried.**

**PLANNING COMMISSION:**

9. Rezoning Request; Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1); Located on the south side of 24 Mile Road approximately  $\frac{3}{4}$  mile east of North Avenue; Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-019.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations of denial.

Public Portion: None.

Petitioner: Daniel S. Spatafora of Elro Corporation

**MOTION by KOEHS seconded by OLIVER to follow the Planning Consultants recommendations and deny the Rezoning Request; Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1). Parcel No. 08-13-200-019.**

**MOTION carried.**

10. Preliminary Plan; Strathmore Condominiums; Located on south side of 26 Mile Road and  $\frac{1}{4}$  mile east of Luchtman Road; Pulte Land Development, Petitioner. Permanent Parcel No. 08-04-100-029.

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Jerome R. Schmeiser, Community Planning Consultants, reviewed the findings and recommendations of approval.

Public Portion: None.

Petitioner: John Thompson of Atwell Hicks along with John Balint of Pulte Land Development.

**MOTION by OLIVER seconded by BUCCI to approve the Preliminary Plan; Strathmore Condominiums, with the stipulations that the plan will show one access route of 12 feet and a total of 292 lots. Parcel No. 08-04-100-029.**

**MOTION carried.**

**NEW BUSINESS:**

11. Request to Release Model Permit Bonds; Fieldstone Estates No. 2; Lots: 110,117,136, & 153. American Heartland LLC, Petitioner. Section 21.

**MOTION by DUNN seconded by BUCCI to Release the Model Permit Bonds; Fieldstone Estates No. 2; Lots: 110, 117, 136 & 153. Section 21.**

**MOTION carried.**

12. Request to Release Model Permit Bond; Fieldstone Estates No. 1; Lot: 68. American Heartland LLC, Petitioner. Section 21.

**MOTION by OLIVER seconded by KOEHS to Release the Model Bond; Fieldstone Estates No. 1; Lot 68. Section 21.**

**MOTION carried.**

13. Request to Release Model Permit Bonds; Cornerstone Village No. 3; Lots: 255 & 256. American Heartland LLC. Petitioner. Section 21.

**MOTION by KOEHS seconded by MALBURG to Release the Model Permit Bonds; Cornerstone Village No. 3; Lots: 255 & 256. Section 21.**

**MOTION carried.**

14. Request to Release Model Permit Bond; Westchester Farms; Lot: 81. American Heartland LLC, Petitioner. Section 21.

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**MOTION by DUNN seconded by BUCCI to Release the Model Permit Bond;  
Westchester Farms; Lot 81. Section 21.**

**MOTION carried.**

15. Compensation of Non-Union Employees, Boards and Commissions.

*Tabled, pending input from the Human Resource Director.*

**HUMAN RESOURCE DEPARTMENT:**

16. Request for approval to hire Human Resources Specialist – Benefits  
Administrator.

John Brogowicz, Human Resource Director, reviewed the request and recommended  
Patricia Hamel.

Public Portion: None.

**MOTION by BUCCI seconded by DUNN to hire Patricia Hamel for the Human  
Resource Specialist – Benefits Administration position. Employment effective  
January 5, 2004.**

**MOTION carried.**

**BOARD COMMENTS:**

17. Supervisor Comments:

17A. Temporary Certificate of Occupancy; His Rock; Section 17.

Supervisor BRENNAN reviewed the request.

**MOTION by KOEHS seconded by OLIVER to approve the Temporary Certificate  
of Occupancy; His Rock. Section 17. Date to expire June 1, 2004.**

**MOTION carried.**

18. Clerk Comments:

Clerk KOEHS commended Stacy VanReydenham, Township Finance Supervisor along  
with her Department for a job well done involving the Township Audit.

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Clerk KOEHS reviewed the future Michigan Township Association Meeting and suggested to reschedule the January 28, 2004 Township Board Meeting date to January 26, 2004.

**MOTION by BUCCI seconded by KOEHS to reschedule the Township Board of Trustees meeting of January 28, 2004 to January 26, 2004.**

**MOTION carried.**

19. Treasurer Comments:

Treasurer MALBURG wished everyone a wonderful Christmas.

20. Trustees Comments: None.

**EXECUTIVE SESSION:**

**MOTION by OLIVER seconded by MALBURG to adjourn into Executive Session at 7:48 P.M.**

**MOTION carried.**

*The Board reconvened at 8:00 p.m.*

21. Landtec of Macomb, et al v Township of Macomb.

**MOTION by KOEHS seconded by BUCCI to authorize the Township Attorney to sign the Consent Judgment for the Landtec of Macomb, et al v Township of Macomb.**

**MOTION carried.**

*Addition:*

22. Michaels v Township of Macomb.

**MOTION by KOEHS seconded by MALBURG to authorize the Township Attorney to hire a consultant specialist for the Michaels v Township of Macomb law suit.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by BUCCI seconded by DUNN to adjourn the meeting at 8:01 P.M.**

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**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk  
Gabrielle M. Baker, Recording Secretary  
MDK/gmb